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OFFICE OF PETITIONS

In re Patent No. 6,874,363
Issue Date: April 5, 2005
Application No. 10/698,254
Filed: October 31, 2003
Attorney Docket No. H0003728

ON PETITION

This is a decision on the petition filed May 27, 2005, requesting withdrawal of the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot**.

A petition under 37 CFR 1.313 must be received and granted by an appropriate official in the Office of Petitions within sufficient time to avert issuance of an application into a patent. The above application issued into Patent No. 6,874,363 on April 5, 2005. The above petition was submitted on May 27, 2005, which is after issuance of the patent. Petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. Withdrawal of an application from issue after payment of the issue fee may not be effective to avoid publication of application information.

Petitioner may request a refund of the petition fee and the request for continued examination fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Files Repository.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy